

CONFERENCE COMMITTEE SUBSTITUTE

FOR

SENATE SUBSTITUTE

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FOR

HOUSE BILL NO. 1983

AN ACT

To repeal section 105.450, RSMo, and to enact in lieu thereof two new sections relating to prohibiting elected officials from acting as paid political consultants.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

Section A. Section 105.450, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 105.450 and 105.453, to read as follows:

105.450. As used in sections 105.450 to 105.496 and sections 105.955 to 105.963, unless the context clearly requires otherwise, the following terms mean:

- (1) "Adversary proceeding", any proceeding in which a record of the proceedings may be kept and maintained as a public record at the request of either party by a court reporter, notary public or other person authorized to keep such record by law or by any rule or regulation of the agency conducting the hearing; or from which an appeal may be taken directly or indirectly, or

1 any proceeding from the decision of which any party must be  
2 granted, on request, a hearing de novo; or any arbitration  
3 proceeding; or a proceeding of a personnel review board of a  
4 political subdivision; or an investigative proceeding initiated  
5 by an official, department, division, or agency which pertains to  
6 matters which, depending on the conclusion of the investigation,  
7 could lead to a judicial or administrative proceeding being  
8 initiated against the party by the official, department, division  
9 or agency;

10 (2) "Business entity", a corporation, association, firm,  
11 partnership, proprietorship, or business entity of any kind or  
12 character;

13 (3) "Business with which a person is associated":

14 (a) Any sole proprietorship owned by himself or herself,  
15 the person's spouse or any dependent child in the person's  
16 custody;

17 (b) Any partnership or joint venture in which the person or  
18 the person's spouse is a partner, other than as a limited partner  
19 of a limited partnership, and any corporation or limited  
20 partnership in which the person is an officer or director or of  
21 which either the person or the person's spouse or dependent child  
22 in the person's custody whether singularly or collectively owns  
23 in excess of ten percent of the outstanding shares of any class  
24 of stock or partnership units; or

25 (c) Any trust in which the person is a trustee or settlor  
26 or in which the person or the person's spouse or dependent child  
27 whether singularly or collectively is a beneficiary or holder of

1 a reversionary interest of ten percent or more of the corpus of  
2 the trust;

3 (4) "Commission", the Missouri ethics commission  
4 established in section 105.955;

5 (5) "Confidential information", all information whether  
6 transmitted orally or in writing which is of such a nature that  
7 it is not, at that time, a matter of public record or public  
8 knowledge;

9 (6) "Decision-making public servant", an official,  
10 appointee or employee of the offices or entities delineated in  
11 paragraphs (a) through (h) of this subdivision who exercises  
12 supervisory authority over the negotiation of contracts, or has  
13 the legal authority to adopt or vote on the adoption of rules and  
14 regulations with the force of law or exercises primary  
15 supervisory responsibility over purchasing decisions. The  
16 following officials or entities shall be responsible for  
17 designating a decision-making public servant:

18 (a) The governing body of the political subdivision with a  
19 general operating budget in excess of one million dollars;

20 (b) A department director;

21 (c) A judge vested with judicial power by article V of the  
22 Constitution of the state of Missouri;

23 (d) Any commission empowered by interstate compact;

24 (e) A statewide elected official;

25 (f) The speaker of the house of representatives;

26 (g) The president pro tem of the senate;

27 (h) The president or chancellor of a state institution of

1 higher education;

2 (7) "Dependent child" or "dependent child in the person's  
3 custody", all children, stepchildren, foster children and wards  
4 under the age of eighteen residing in the person's household and  
5 who receive in excess of fifty percent of their support from the  
6 person;

7 (8) "Paid political consultant", a person who is paid for  
8 profit to promote the election of a certain candidate or the  
9 interest of a committee, as defined in section 130.011,  
10 including, but not limited to, planning campaign strategies;  
11 coordinating campaign staff; organizing meetings and public  
12 events to publicize the candidate or cause; public opinion  
13 polling; providing research on issues or opposition background;  
14 coordinating or purchasing print or broadcast media; direct mail  
15 production; phone solicitation; fund raising; and any other  
16 political activities. The term "paid political consultant" shall  
17 not include vendors who provide tangible goods that do not  
18 promote the election of a candidate or the interest of a  
19 committee in the ordinary course of the vendor's business;

20 (9) "Political subdivision" shall include any political  
21 subdivision of the state, and any special district or  
22 subdistrict;

23 [(9)] (10) "Public document", a state tax return or a  
24 document or other record maintained for public inspection without  
25 limitation on the right of access to it and a document filed in a  
26 juvenile court proceeding;

27 [(10)] (11) "Substantial interest", ownership by the

1 individual, the individual's spouse, or the individual's  
2 dependent children, whether singularly or collectively, directly  
3 or indirectly, of ten percent or more of any business entity, or  
4 of an interest having a value of ten thousand dollars or more, or  
5 the receipt by an individual, the individual's spouse or the  
6 individual's dependent children, whether singularly or  
7 collectively, of a salary, gratuity, or other compensation or  
8 remuneration of five thousand dollars, or more, per year from any  
9 individual, partnership, organization, or association within any  
10 calendar year;

11 [(11)] (12) "Substantial personal or private interest in  
12 any measure, bill, order or ordinance", any interest in a  
13 measure, bill, order or ordinance which results from a  
14 substantial interest in a business entity.

15 105.453. 1. No statewide elected official or member of the  
16 general assembly shall accept or receive compensation of any kind  
17 as a paid political consultant for:

18 (1) A candidate for the office of governor, lieutenant  
19 governor, attorney general, secretary of state, state treasurer,  
20 state auditor, state senator, or state representative;

21 (2) The candidate committee of the governor, lieutenant  
22 governor, attorney general, secretary of state, state treasurer,  
23 state auditor, state senator, or state representative;

24 (3) The governor, lieutenant governor, attorney general,  
25 secretary of state, state treasurer, state auditor, any state  
26 senator, or any state representative;

27 (4) Any continuing committee; or

